



theatrical, television and home entertainment markets, and they are among the leading distributors of motion pictures internationally. The MPAA's members also distribute their works in electronic form, including through the internet and mobile downloads and streaming, thus making their works more available to consumers and businesses than ever before.

The MPAA's members depend upon effective copyright protection in order to protect the motion picture and television content that they invest in, create and distribute. As a result, the MPAA's members have a significant interest in the proper interpretation of the DMCA, and in particular here the proper interpretation of § 512(f). As explained in the accompanying proposed brief, several of the arguments that have been advanced in this case regarding § 512(f), if accepted by this Court, would impose significant and unwarranted burdens on the MPAA, its members and other copyright holders who have to send large numbers of takedown notices because of the widespread infringement of their works on the Internet.

This Court may properly accept and consider an *amicus* brief if doing so will aid in the determination of issues pending before this court. *See, e.g., AT&T Mobility LLC v. Princi*, 2011 WL 6012945 (D. Mass., Dec. 2, 2011); *Celentano v. Commissioner*, 2010 WL 559121 (D. Mass. Feb. 2, 2010) at \*2; *Sony BMG Music Entertainment v. Tenenbaum*, 672 F. Supp. 2d 217, 224 n.4 (D. Mass. 2009); *London-Sire Records, Inc. v. Doe*, 542 F. Supp. 2d 153, 161 n.6 (D. Mass. 2008). Here, the MPAA's proposed *amicus* brief will assist the Court by providing context, background and argument relevant to the proper interpretation of the DMCA.

WHEREFORE, Amicus Curiae Motion Picture Association of America, Inc. respectfully requests that this Court issue an Order granting it leave to file the *amicus* brief attached hereto as Exhibit A.

Respectfully submitted,

/s/ Daniel J. Cloherty

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Dated: May 10, 2013

*Counsel for Amicus Curiae Motion Picture  
Association of America, Inc.*

**CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1**

Undersigned counsel for non-party Motion Picture Association of America hereby certifies that he has conferred with counsel for the Plaintiff Amy Tuteur and counsel for the Defendant Gina Crosley-Corcoran in an effort to resolve or narrow the issues presented in this Motion. Counsel for the Plaintiff has stated that the Plaintiff takes no position regarding the relief requested in this motion. Counsel for the Defendant has stated that the Defendant assents to the relief requested in this motion.

/s/ Daniel J. Cloherty  
Daniel J. Cloherty

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing and paper or electronic copies will be delivered to those indicated as non-registered participants on May 10, 2013.

/s/ Daniel J. Cloherty  
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